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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/893,293   | 06/26/2001  | Eimar M. Boesjes     | BOESJESS            | 2000             |
| 23892  | 7590        | 06/29/2004           | EXAMINER            |                  |
| DAVID S ALAVI<br>3762 WEST 11TH AVENUE<br>#408<br>EUGENE, OR 97402 |             |                      | FISCHETTI, JOSEPH A |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3627                |                  |

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 09/893,293             | BOESJES ET AL.      |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | Joseph A. Fischetti    | 3627                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 June 2001.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-132 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) \_\_\_\_\_ is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) 1-132 are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

***Election/Restrictions***

1. Claims 1-3, drawn to method of evaluating data with uncorrected subsets, classified in class 707, subclass 1.
2. Claims 4-8, drawn to method of evaluating data with corrected subsets, classified in class 707, subclass 4.
3. Claims 9-14, drawn to method using over-sampled rating, classified in class 707, subclass 5.
4. Claims 15-22, drawn to an apparatus for evaluating data, classified in class 707, subclass 57.
5. Claims 23-28, drawn to an apparatus for measuring an over sampled rating, classified in class 702, subclass 147.
6. Claims 29-38, drawn to a method of inventory management, classified in class 705, subclass 28.
7. Claims 39-51, drawn to method of inventory management with multiple access to database, classified in class 705, subclass 22.
8. Claims 52-59, drawn to method of data delivery to a distributor, classified in class 705, subclass 14.
9. Claims 60-69, drawn to a system of data management for inventory, classified in class 709, subclass 201.
10. Claims 70-82, drawn to system with multiple access to database, classified in class 709, subclass 229.

11. Claims 83-90, drawn to a system for distributing data to a distributor, classified in class 370, subclass 479.
12. Claims 91-100, drawn to a method of setting a sale price, classified in class 705, subclass 26.
13. Claims 101-110, drawn to a system for comparing data, classified in class 707, subclass 7.
14. Claims 111-121, drawn to a method of creating a database product, classified in class 707, subclass 200.
15. Claims 122-132, drawn to a system for creating a database product, classified in class 709, subclass 201.

The inventions are distinct, each from the other because:

Inventions 1-15 and 15-1 are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the inventions each has separate utility such as system/method of computer virus control . See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Art Unit: 3627

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Any inquiry concerning this communication should be directed to PRIMARY  
EXAMINER Joseph A. Fischetti at telephone number (703) 305-0731.

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